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Termination
of Hostilities
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EXPLANATION OF THE DRAFT "EMERGENCY POWERS
CONTINUATION ACT"

The draft "Emergency Powers Continuation Act" extends the life of about sixty specific statutory authorizations which, in the absence of action by Congress, would terminate upon the termination of the present state of war with Japan or of the national emergencies proclaimed by the President in 1939 and 1941. The bill provides, generally speaking, that they shall continue in effect until the termination of the national emergency proclaimed by the President in 1950 or until such earlier date or dates as may be fixed by Congress by concurrent resolution or by the President. Each provision affected by the bill is explained herein, with a short caption, a digest, and a brief justification of the action proposed.

The bill may be summarized as follows:

Section 1(a) deals with certain provisions conferring authority in time of war or during the present war or the 1939 or 1941 national emergencies. These provisions are continued in effect.

Section 1(b) deals with certain provisions imposing limitations in time of peace. The operation of these provisions is deferred.

Section 1(c) deals with certain provisions under which appointments to the Armed Forces may remain in effect only for the duration of the present war (or the duration plus a specified period thereafter). The bill authorizes the President to keep these appointments in effect.

Section 1(d) and (e) deals with certain provisions specifying that the normal one-year limitation period for the filing of certain kinds of claims may be suspended, on good cause shown, until one year after peace is established, if the incident occurs in time of war or if war intervenes within a specified brief period thereafter. The bill provides that, for the purpose of these provisions, the date of the ending of a time of war and the establishment of peace is to be a date or dates fixed by the President.

Section 1(f) deals with the Trading With the Enemy Act. It provides that notwithstanding the termination of the war with Japan and of the 1939 and 1941 emergencies, the power to vest Japanese assets is continued in harmony with the treaty of peace with Japan now before the Senate.

Section 2(a) to (d) deals with the construction of certain terms which normally presuppose the existence of a state of war, - for example, "ally", "enemy", "captured by an enemy", and "interned in a neutral country". The bill states how such terms are to be construed where they appear in certain statutory provisions.

Section 2(e) has a clarifying purpose only - to make it completely plain that the Air Force as well as the Army is to benefit from the extension of provisions enacted prior to the National Security Act in terms applicable only to the War Department, where those provisions have since been transferred to the Air Force pursuant to the National Security Act. This is a purely precautionary enactment of the result that it is considered would follow in any event.

Section 3(a), (b), and (c) deals with certain statutory provisions concerning service flags, lapel buttons, veterans preferences, certain other benefits, and certain types of claims. Under these provisions service in time of war, or the happening of an event in time of war, is the basis of the rights conferred. The bill provides in substance that the same rights shall arise if the service or event takes place before the end of the 1950 emergency (or an earlier date fixed by the Congress or the President).

Section 3(d) postpones the present deadline for the exercise of one specific veterans' preference relative to rights under public land laws.

Section 4 is a separability provision in customary form.

Section 5 provides that the bill may be cited as the Emergency Powers Continuation Act.

Each of the statutory provisions dealt with in the bill is given a number, called its item number, in the explanation below. These item numbers correspond as far as possible to the numbering used in two 1947 Senate documents dealing with war and emergency powers (Senate Doc. No. 42 and Part 2 of Senate Report 339, both of the 80th Congress, 1st session). Statutory provisions dealt with in those documents have here the same item number that they had there (consisting of figures only). Statutory provisions not dealt with in those documents (mostly provisions enacted later) have been given an item number consisting of figures followed by a letter, the number being one which groups the provision with others of similar substance. The explanation below deals with the provisions in the order in which they appear in the bill, which is in the order of item numbers in each category. In each case the explanation gives first the section and subsection where the item appears in the bill, and, immediately beneath that, the item number.

Preamble

The preamble of the bill recites that the existing state of war with Japan is the last declared state of war to which the United States is a party and that the termination of that state of war and the 1939 and 1941

national emergencies would make certain statutory provisions inoperative. It then recites that some of the statutory provisions must be continued in force in order to insure the national security of the United States and the capacity of the United States to support the United Nations in its efforts to establish and maintain peace.

Section 1

Section 1 opens with introductory language, applicable to all its subsections, to the effect that the subsections shall have effect notwithstanding any termination hereafter of the state of war with Japan and the 1939 and 1941 emergencies, and notwithstanding any proclamation of peace with respect to the war with Japan.

Section 1(a) provides that the statutory provisions listed in it shall continue in full force and effect during the continuance of the national emergency proclaimed by the President on December 16, 1950, or until an earlier date fixed by the Congress by concurrent resolution or by the President. In either case the date may be fixed generally for all the statutory provisions or it may be fixed for individual statutory provisions, with one date for one and another for another. If the President fixes one date for the termination of all of them he is to do so by proclamation.

These provisions authorize officers of the Government to do certain things in time of war or make it a crime to do certain things in time of war. An example of the former is the provision which authorizes the President, in time of war, acting through the Secretary of the Army, to take over and operate transportation systems (Item 401, 10 U.S.C. 1361). An example of the latter is the provision making it a crime, in time of war, to make false statements with a view to interfering with the operation of the armed forces or to promote the success of the enemy (Item 460, 18 U.S.C. 2388).

There is one exception in this subsection to the general method of treatment. Paragraph (18) provides that the 1939 emergency shall continue to exist for a particular purpose under the statutory provisions there cited. The reasons for this special treatment are set forth below in the separate explanation of those statutory provisions.

1(a)(1) PROVIDING FOR THE ACQUISITION AND OPERATION OF BUILDINGS
Item 42 AND FACILITIES BY THE NAVY. (50 U.S.C. App. 1201)

This act authorizes the Secretary of the Navy to acquire and operate buildings and facilities in connection with "procurement or construction of items authorized in connection with the prosecution of war". The act is effective "until the termination of the present war or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate".

The retention of this statutory authority is necessary due to the current expansion of the Navy building program. It also provides a legislative basis for the acquisition and operation of facilities the classified nature of which makes the usual specific project authorization inappropriate.

1(a)(2) PROHIBITION AGAINST SALE OF TENNESSEE VALLEY AUTHORITY
Item 45 PRODUCTS FOR USE OUTSIDE THE UNITED STATES, EXCEPT TO ITS ALLIES IN CASE OF WAR. (Tennessee Valley Authority Act, 16 U.S.C. 831d(m))

This section prohibits the sale of products of the Tennessee Valley Authority for use outside the United States, except to the United States Government for the use of the Army and Navy, or "in case of war", to its allies.

A by-product of TVA's operations is a low-grade ferrophosphorus which cannot be economically utilized in the United States steel industry but can be in those of western European countries. There may also be defense requirements for friendly foreign countries for phosphatic and nitrogenous materials produced by the Tennessee Valley Authority. The retention of this authority is essential to the fulfillment of these defense needs.

1(a)(3) AUTHORITY OF GOVERNMENTAL OFFICER OR AGENCY DESIGNATED
Item 58 BY THE PRESIDENT TO INSPECT PLANTS AND AUDIT BOOKS OF WAR CONTRACTORS. (50 U.S.C. App. 643, 643a, 643b, 643c)

This provision applies "to the plant, books, and records of any contractor with whom a defense contract has been placed at any time after the declaration of emergency on September 8, 1939, and before the termination of the present war".

Loss of this authority would mean loss of the existing power of the Department of Defense and other agencies to audit books of sub-contractors. Similar authority is now contained in Section 705 of the Defense Production Act of 1950 (P. L. 774, 81st Congress, 50 U.S.C. App. 2155), but, since that act is due to expire in June of 1952, the continuation of authority under this item is desirable.

1(a)(4) AUTHORIZATION TO DESTROY RECORDS SITUATED ABROAD DURING
Item 60 WAR OR WHEN HOSTILE ACTION APPEARS IMMINENT. (44 U.S.C.
376)

This section authorizes the head of an agency to authorize destruction of any records in his legal custody situated outside the continental United States in any military or naval establishment, ship, or other depository, "at any time during the existence of a state of war between the United States and any other nation or when hostile action by a foreign power appears imminent".

The retention of this statutory authority is needed to authorize the emergency destruction of official records in Foreign Service posts and other depositories outside the continental United States. Breaking or curtailment of diplomatic relations with any country might lead to conditions preventing the removal of records and thereby necessitating their immediate destruction under the authority of this provision.

1(a)(5) AUTHORIZATION FOR DETAILING ARMED FORCES PERSONNEL TO THE
Item 71 VETERANS' ADMINISTRATION. (Servicemen's Readjustment Act,
as amended, 38 U.S.C. 693b)

The second paragraph of the cited section 102 provides that "Nothing in the Selective Training and Service Act of 1940, as amended, or any other Act, shall be construed to prevent the transfer or detail of any commissioned, appointed or enlisted personnel from the armed forces to the Veterans' Administration subject to agreements between the Secretary of War or the Secretary of the Navy and the Administrator of Veterans' Affairs: Provided, That no such detail shall be made or extend beyond six months after the termination of the war".

The general defense situation has revived staffing problems of the Veterans' Administration which were previously encountered during the war, incident to the increasing loss of Reserve and other personnel to the Armed Forces, particularly medical and related personnel. This problem will doubtless continue indefinitely and may necessitate future use of the authority, subject to agreement with the service departments, to use a limited number of Armed Forces personnel in critical positions in the Veterans' Administration. It is therefore recommended that the provision be made permanent.

- 1(a) (6) LIABILITY OF INDUCTEES TO SERVE IN RESERVE COMPONENTS AND
Item 88a BE ORDERED TO ACTIVE DUTY IN TIME OF WAR. (50 U.S.C. 454(d))

This subsection of the Universal Military Training and Service Act (as amended by section 1(g) of P.L. 51, 82nd Congress) sets out the reserve obligations of inductees under that act and restricts the ordering of persons inducted, enlisted, or appointed under that act between June 24, 1948 and June 15, 1951 to active duty without their consent at times other than during "war or national emergency declared by the Congress". The termination of the present war might have the effect of impeding the use of such reserve personnel in the current expansion of the Armed Forces, because Congress has not declared a national emergency.

- 1(a)(7) CONTRACTS FOR ARMY AND NAVY DEFENSE FACILITIES
Item 100 (50 U.S.C. App. 773, 776, 1171a, 1171b)

Authority for the Secretary of War to provide for installations for manufacture of military equipment, at military posts, plants, etc., (including privately owned plants), and for storage and shelter, to exchange surplus equipment and make advance payments to contractors, without certain restrictions, and to operate or dispose of plants "during the continuance of the present war and for six months after the termination of war or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate."

This act is the only authorization for the appropriation contained in the fiscal year 1952 Department of Defense Appropriation Act to enable the Secretary of the Army to expedite construction (P.L. 179, 82nd Congress, Title III, under heading "Expediting Construction"), and its continuance during the present period of expansion of the Army is essential. In so far as this statute provides for a relaxation of the requirement that title be passed upon by the Attorney General, its termination would be detrimental in view of the urgency connected with the acquisition of real estate under the current building program and the time usually required for obtaining a complete title search from the Department of Justice. (Executive Order 9262 of November 5, 1942, as amended, extends this authority to the Secretary of the Navy.)

- 1(a)(8) ENTERTAINMENT AND INSTRUCTION OF ARMY AND AIR FORCE ENLISTED
Item 102 PERSONNEL (50 U.S.C. App. 761) AND AUTHORITY TO ACQUIRE LAND
AND INTERESTS THEREIN WITHOUT REGARD TO CERTAIN RESTRICTIONS
(50 U.S.C. App. 767, 771)

50 U.S.C. 761:

"During the continuance of the present war and for six months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate" 50 U.S.C. 776) the Secretary of War is authorized to provide

for entertainment and instruction in connection with the welfare of enlisted personnel.

The continuation of this section is necessary because it is the only authorization for appropriations for the entertainment and instruction of Army and Air Force enlisted personnel. (The fiscal year 1952 Act is P. L. 179, 82nd Congress, under the section captioned: "Quartermaster Corps, Quartermaster Service, Army, Welfare of Enlisted Men".) The remainder of this section (authority to employ interns in the "Medical Department" of the Army) is obsolete and there is no intention to exercise further authority thereunder.

50 U.S.C. 767, 771:

"During the continuance of the present war and for six months after termination of the war, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate" (50 U.S.C. 776) any funds available for construction of buildings, utilities, and appurtenances at military posts shall be available for the purposes specified by existing law, including the acquisition of lands, rights pertaining thereto, leasehold and other interests therein, and temporary use thereof, without regard to the provisions of R. S. 1136 and 3648, and the land may be acquired and construction started prior to approval of title by the Attorney General.

These sections permit the acquisition and use of land prior to the approval of title by the Attorney General and should be continued in effect for the duration of the 1950 emergency. Similar authority contained in sec. 401 of Public Law 910, ch. 1212, 81st Congress, and sec. 501 of Public Law 155, ch. 434, 82nd Congress, is limited to specific projects.

1(a)(9) MILITARY STATUS OF COMMISSIONED CORPS OF THE PUBLIC
Item 107 HEALTH SERVICE IN TIME OF WAR (42 U.S.C. 213, 217)

Under this statutory authority, the President may, "in time of war", declare the commissioned corps of the Public Health Service to be a military service, making it "a branch of the land and naval forces of the United States" subject to the Uniform Code of Military Justice. "With respect to active service in time of war", the commissioned corps is entitled to full military benefits such as death payments and veterans compensation. Executive Order No. 9575, dated June 28, 1945 (10 F.R. 7589), created this status and is still in effect. Such benefits are an essential element of the officers' total compensation, as is the case in the other Armed Services, and termination as to Public Health Service officers alone would hamper the ability of the service to recruit and retain officers.

Military status for the commissioned corps of the Public Health Service, though carrying certain benefits, imposes additional obligations such as those involved in the authority to transfer commissioned officers without their consent and to refuse them permission to resign.

This authority is necessary in order to fill undesirable posts here and abroad for which sufficient volunteers cannot be obtained. The nation's defense will continue to require authority to use the Public Health Service commissioned corps under emergency conditions.

1(a)(10) FOREIGN CLAIMS ACT; CLAIMS COMMISSION NEED NOT BE COMPOSED
Item 108a OF OFFICERS OF THE SERVICE CONCERNED (31 U.S.C. 224a)

Settlement of foreign claims authorized by this act may be made by any commission appointed for the purpose even though the commission is not composed of officers of the service concerned, if such settlement is made "in time of war".

Joint activities of the Armed Forces in foreign countries in all areas of the world at the present time make it most desirable that claims may be adjudicated by commissions composed of officers of any of the services.

1(a)(11) AUTHORITY TO OPERATE FARMS AND PLANTATIONS OUTSIDE THE
Item 159 U.S.A. TO IMPLEMENT PROVISIONING OF TROOPS
(10 U.S.C. 1214; 34 U.S.C. 555b)

"After the termination of the present war", the operation and management of any plantation or farm under the jurisdiction of the Armed Forces outside the continental United States, for furnishing fresh fruits and vegetables to the Armed Forces shall be accomplished as far as practicable through private contractors. For security reasons and to permit operation of these plantations without restrictions, it is considered desirable that the existing methods and procedures of management and operation, employing military personnel, be retained during the current build-up of the Armed Forces.

1(a)(12) MISSING PERSONS ACT (50 U.S.C. App. 1001-1012, 1014, 1015)
Item 176

"Until the termination of the present war with Germany, Italy, and Japan, and for twelve months thereafter, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate", there are authorized: (1) Pay and allowances of certain missing persons; (2) certain administrative action regarding allotments, payments and settlement of accounts of such persons; and (3) movement of dependents and household goods of certain missing, injured or dead military personnel. (The war has been terminated with respect to section 13 of this act, see 50 U.S.C. App. 1013 and note).

This legislation is necessary to insure the continuance of administrative procedures for the settlement of pay accounts of affected individuals and to prevent hardships to dependents of personnel who may become missing in the performance of their official duties.

The termination of this act would also terminate the last two sentences of Section 4(e) of the Universal Military Training and Service Act. The need for permanent missing persons legislation is now under study in the Department of Defense.

1(a)(13) PROVISION FOR UNIFORM ALLOWANCE OF \$250 FOR CERTAIN
Item 195 OFFICERS AND WARRANT OFFICERS SERVING ON ACTIVE DUTY
IN THE ARMY AND AIR FORCE. (10 U.S.C. 904b, 904c)

"During the period of the wars in which the United States is now engaged and for six months thereafter", (10 U.S.C. 904b) company grade reserve officers of the Army and Air Force are entitled to a uniform allowance of \$250 upon their first tour of extended active duty.

Following the termination of the war reserve officers will continue to be called to extended active duty for the first time, and will have to provide themselves with uniforms. It would seem that the same reasons for granting this uniform allowance will apply during the 1950 emergency as applied during the war period.

1(a)(14) CERTIFICATES OF OFFICERS OF ARMED FORCES FOR PAY AND
Item 202 ALLOWANCE / ACCOUNTS TO BE ACCEPTABLE WITHOUT SUBSTANTIATION
(50 U.S.C. App. 836)

"During the existence of the present war in which the United States is engaged, and during the six months immediately following the termination of such war", officers' certificates may be accepted as supporting vouchers for pay and allowance accounts without further supporting evidence.

The procedures developed under the present legislation have greatly reduced administrative paper work in connection with the pay and allowances of military and civilian personnel. Destruction of records due to enemy action, acts of God, and accidents would prevent commanding officers from certifying to pay and allowances due military personnel, since it would be impossible for such officers to have personal knowledge of all facts pertaining to pay accounts, and they would of necessity have to rely on records maintained for such purposes. To require commanding officers to assume the additional administrative burden of certifying pay and allowance accounts would hamper them in performing their primary military duty. Finally disbursing officers would be hindered in making timely payments in many cases due to lack of supporting documents, absence of certificates, and other documents.

1(a)(15) SUSPENSION OF THE PROHIBITION AGAINST PAYMENT OF DEPOSITS,
Item 203 AND INTEREST THEREON, OF ENLISTED MEN UNTIL FINAL DISCHARGE,
(10 U.S.C. 906 and note and 907 and note)

"During the present war and for a period of one year thereafter," the provisions of law which prohibit payment of soldiers' deposits and interest thereon until discharges are suspended.

Unless this statute is continued in effect, enlisted personnel will not be able to withdraw deposits, in cases of serious emergency, until they are finally discharged. In periods, such as the present time, when persons are being held beyond the terms of their enlistment contracts, it appears manifestly unfair not to allow them to withdraw deposits in meritorious cases. The Department of the Army is now processing legislation designed to repeal the basic statute which enacts the prohibition.

1(a)(16) PROVISION PERMITTING VOTING BY MAIL OF PERSONS SERVING
Item 207 IN THE LAND OR NAVAL FORCES (50 U.S.C. 301-303)

This Act prescribes the right of military personnel to vote by mail "in time of war" for Federal officials regardless of absence from residence and prohibits the imposition of poll taxes as a condition for such voting.

This statute will become increasingly important as the Armed Forces expand. Increase in the commitments of troops overseas will increase the necessity of voting by mail.

1(a)(17) PROHIBITING PHOTOGRAPHING, SKETCHING, MAPPING, ETC.,
Item 229 MILITARY AND NAVAL RESERVATIONS, PROPERTIES, EQUIPMENT,
ETC. (50 U.S.C. App. 781-785)

"For the duration of the present war as determined by pro-
clamation of the President", photographing, sketching, mapping, etc.,
of military and naval installations and equipment, except as author-
ized by Secretaries of the military departments, is prohibited and
penalized.

Termination of this provision would impede the ability of the
Armed Forces to protect their installations and equipment from unauthor-
ized analysis.

Although the provisions of section 793 of Title 18, U.S.C.,
are permanent legislation covering generally the same subject matter, it
should be noted that intent to injure the security of the United States
or to help some foreign nation is an element of the offense defined
therein, whereas no such intent is required in the provision sought to
be extended.

1(a)(18) CONTINUATION OF AUTHORITY UNDER THE LANHAM ACT NEEDED TO
Item 242 OPERATE OR REACTIVATE EXISTING HOUSING PROJECTS
(42 U.S.C. 1521, 1532, 1541, 1561, 1562, 1571)

Section 301 of the Lanham Act, as amended, provides that the
authority contained in sections 1, 202, 401 and 402 of that Act (with
respect to provision of World War II housing and community facilities)
will terminate "when the President shall have declared that the emer-
gency declared by him on September 8, 1939, has ceased to exist" except
with respect to contracts on projects previously entered into or under-
taken and court proceedings then pending. The World War II housing and
community facilities referred to are housing projects which the Federal
Government provided for defense workers and military personnel immediately
prior to and during World War II and community facilities or public works
such as streets, sewer lines, sewage treatment plants, water lines and
USO facilities provided in war-crowded areas. Authority with respect to
the provision of housing for veterans and servicemen and their families
under Title V of the Lanham Act (sec. 501 et seq.) also depends on section
301.

While it was obviously the intent of section 301 to terminate
the power of the Federal Government to provide additional housing and
community facilities when the emergency was over, the termination of all

powers under the sections listed herein at this time would seriously interfere with the continued operation or reactivation of existing housing projects which are still vitally needed for housing veterans and servicemen and their families, which are being devoted to filling present urgent defense housing needs, or which are being retained to enable the Government to fill future urgent defense housing needs as they arise. If the emergency is not continued for these purposes, some doubt may arise as to whether the Housing and Home Finance Administrator could in the future utilize or reactivate existing projects to house persons engaged in national defense activities and their families and (under title V of the Lanham Act) servicemen and veterans and their families. Continuance for limited purposes of the states of war and emergency is also necessary in order to continue the Government's interest in land underlying many thousands of units of temporary housing provided under the Lanham and related acts where leases or judgments of condemnation are terminable by their express terms upon the cessation of present states of war or emergency or within a specified period thereafter. Accordingly, it is recommended not only that these provisions be left in full force and effect during the 1950 emergency but that it be expressly declared that the 1939 emergency continue to exist for these purposes, and the draft bill so provides.

1(a)(19) COORDINATION OF EXECUTIVE BUREAUS IN THE INTEREST OF THE
Item 261 MORE EFFICIENT ORGANIZATION OF THE GOVERNMENT
(50 U.S.C. App. 601-605)

Title I of the First War Powers Act gives the President authority to coordinate the executive bureaus in the interest of the more efficient organization of the Government during the "continuance of the present war and for six months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President may designate" (50 U.S.C. App. 621)

This Title is the basis for many Executive Orders which would cease to have effect upon its termination. Some of these Executive Orders establish administrative procedures which would have to be confirmed by permanent legislation and others contain authorities which should be retained during the current period of expansion of the Armed Forces.

Among the orders which it is important to continue in effect are:

(a) Executive Order 9235 of August 31, 1942 - Control over utilization of supplies and equipment by Government agencies.

Retention of this authority is necessary during the current period of expansion and build-up.

(b) Executive Order 9279 of December 5, 1942 - Mobilization and utilization of manpower.

Retention of the authority under this Executive Order is necessary during the current period of expansion and build-up and pending further studies concerning the general manpower situation.

(c) Executive Order 9194 of July 7, 1942 - Transfer of duties with respect to real estate to the Chief of the Bureau of Yards and Docks, Department of the Navy.

Pursuant to this Executive Order the duties of the Judge Advocate General with respect to real estate were transferred to the Bureau of Yards and Docks. It is necessary to retain this Executive Order pending further study by the Department of the Navy of the real estate situation and the taking of appropriate steps with respect to a final decision regarding the duties and functions associated with the acquisition and disposition of real estate by the Department of the Navy.

(d) Executive Order 9262 of November 5, 1942 - Facilities for manufacture of equipment, munitions and supplies.

This Executive Order extended to the Department of the Navy the authority granted the Army by the Act of July 2, 1940 (54 Stat. 712, as amended) and is considered necessary for retention by the Navy.

(e) Executive Orders 9709 and 9797 of March 29, 1946 and November 6, 1946 - Air navigation facilities abroad.

Although the substance of these orders is incorporated into the International Aviation Facilities Act (62 Stat. 450, 49 U.S.C. 1151), it is considered that these Executive Orders should be retained and continued in effect pending further study concerning the necessity of their retention.

1(a)(20) SALES TO CIVILIANS AT NAVAL STATIONS AND POST EXCHANGES WITHIN
Item 265 THE CONTINENTAL UNITED STATES WHEN PRIVATE SERVICES ARE NOT
AVAILABLE (34 U.S.C. 533)

This provision, operative "in time of war and not exceeding six months thereafter", authorizes sales to civilians at naval stations and post exchanges within the continental United States when the Secretary of the Navy finds that it is impracticable for such persons to procure such stores from private agencies without impairing the efficient operation of the stations. The act also authorizes the sale of stores to civilians at stations beyond the continental limits of the United States but this latter provision is not limited under the "wartime" provision.

The Armed Forces are now operating facilities at various places within the continental United States where private commercial services for the furnishing of clothing, food and other items necessary for existence are not available. In order to provide civilian employees stationed at such places with the facilities for the purchase of food and other essentials the authority for sales under this act should be continued.

1(a)(21) USE OF VETERANS' ADMINISTRATION VEHICLES FOR TRANSPORTING
Item 267 EMPLOYEES (38 U.S.C. 11a note)

"During the present war and not exceeding six months after the termination of the war" the Administrator of Veterans' Affairs is authorized to use automobiles of the Veterans' Administration to transport employees between field stations and nearest public transportation lines at reasonable rates of fare, if the Administrator finds that other public and private facilities are not adequate and that efficiency will be promoted thereby.

Since the close of hostilities in World War II this authority has been used in a limited number of instances to prevent interference with vital operations, particularly in cases of transit strikes where employees in critical positions in hospitals depend upon public transportation between home and work. The authority is currently being exercised on a very restricted basis in a few cases, as, for example, to provide transportation for key hospital personnel who must arrive at the hospital at times when public transportation is unavailable, and in another instance in which public transportation has been suspended for some distance from the hospital because of extensive installation work on the adjoining public highway. This action is rarely taken, and then only to meet emergency conditions which sometimes exist for a considerable period, and upon strict findings required by the statute and approved by the Administrator, as well as payment of reasonable fares. The statute serves a definite and recurrent need and experience demonstrates that it should be continued during the 1950 emergency to safeguard normal efficiency at field installations.

1(a)(22) AUTHORITY FOR FOREIGN EXCHANGE TRANSACTIONS FOR BENEFIT OF
Item 270 ARMED FORCES PERSONNEL (50 U.S.C. App. 1705-1707)

This authority for foreign exchange transactions for the benefit of Armed Forces personnel is effective "during the continuance of the present war and for six months after the termination of the war or until such earlier time as the Congress by concurrent resolution or the President may designate",

This provision is the only statutory basis for the specified activities. While the Armed Forces are engaged in operations in many foreign countries, it is essential that no doubt exist as to their authority to accept and dispose of foreign currencies which are vital to operations. Moreover, the statute provides authority for the use of funds to cover losses arising from foreign exchange transactions. Lack of such authority would necessitate obtaining special appropriations and relief legislation to cover such losses.

Authority for disbursing officers to cash checks and similar instruments is extremely important to military and civilian personnel, contractors, and others, in foreign areas where no normal banking facilities exist. This statute affords the only method whereby such personnel may dispose of instruments of this type in carrying out necessary private matters.

1(a)(23) FREE IMPORTATION OF PERSONAL AND HOUSEHOLD EFFECTS BROUGHT
Item 347 INTO THE UNITED STATES ON GOVERNMENT ORDERS
(50 U.S.C. App. 801-802)

Until "on or after the day following the proclamation of peace by the President", duty-free importation, pursuant to Government orders, of personal and household effects of persons in the service of the United States, or their families, or of persons evacuated to the United States under Government orders, is authorized.

Termination of this legislation would eliminate an inducement to overseas duty at a time when maximum effort is being made to encourage such duty. With the expansion of the Armed Forces, and expanding and continuing international obligations and commitments of this Government, many persons in Government service must be assigned to lengthy overseas tours. It does not appear that in the foreseeable future the obligations of the United States Government will decrease to such an extent that it will be practical to eliminate this legislation. To a large extent the beneficiaries of this privilege are moved or evacuated upon the initiative of the Government and not of their own volition.

1(a)(24) PAYMENT FOR USE OF WHARVES AND LANDINGS UNDER CONTROL OF
Item 352 THE TERRITORY OF HAWAII (48 U.S.C. 510 note)

This provision authorizes payment by departments and agencies of the United States for use of wharves and landings under the control of the Territory of Hawaii. It is effective "during the period commencing on January 1, 1942, and ending, unless Congress shall fix an earlier date, six months after the termination of the present war", and constitutes an exception to an act passed in 1900, providing for free use by the United States of these facilities.

These wharves and landings in the Territory of Hawaii are being used by naval vessels during the current hostilities in Korea. It is anticipated that the stepped-up use of these landings and wharves will continue in the future. The provision for payment for use of these wharves was enacted because the use by the United States has greatly exceeded the use which was expected when the original act was passed in the year 1900.

1(a)(25) RIGHTS UNDER PUBLIC LAND LAWS OF PERSONS SERVING IN THE
Item 365c ARMED FORCES OF ALLIES OF THE UNITED STATES (50 U.S.C.
App. 572)

"Citizens of the United States who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which the United States engages while this act remains in force" shall, if certain conditions are met, be entitled to the same protection from loss of rights under the public land laws as is granted by other provisions of this act to persons serving in the Armed Forces of the United States. This provision is effective, as regards the present war, "until such war is terminated by a treaty of peace proclaimed by the President and for six months thereafter", with a saving provision for rights accrued before its termination (sec. 604, 50 U.S.C. App. 584).

No reason appears why the termination of the formal state of war should reduce the rights of persons serving in other armies in the same cause. Means of ascertaining which foreign nations are allied with the United States under this provision as extended are provided in section 2 of this bill.

1(a)(26) SUSPENSION OF THE PROVISIONS OF THE NEUTRALITY ACT WHICH
Item 395 PROHIBITS FINANCIAL TRANSACTIONS WITH GOVERNMENTS AT WAR
WITH EACH OTHER (22 U.S.C. 447)

Subsection (e) of this provision suspends "when the United States is at war" another subsection which prohibits financial transactions with Governments proclaimed by the President to be at war with each other. It is believed that the United States should not handicap itself by preventing Americans from assisting a country at war with another when it may be in the national interest of the United States that such country should be assisted. Such national interest is as likely to exist during the 1950 emergency as when the United States is formally at war.

1(a)(27) UTILIZATION OF THE AMERICAN NATIONAL RED CROSS IN AID OF
Item 396 ARMED FORCES (36 U.S.C. 10,11)

"In time of war or when war is imminent or when there is a threat of hostilities", the President is authorized to accept the assistance of and to employ the American National Red Cross to assist the Armed Forces. Transportation, subsistence, and waiver of passport fees for Red Cross personnel are authorized.

Due to the expansion of the Armed Forces, which involves the recall of Reserves and National Guard to active duty, the implementation of the Universal Military Training and Service Act, and an increasing number of family separations by reason of duty at overseas bases, it is believed that the services provided by the American Red Cross will be in even greater demand in the future than at the end of hostilities in World War II.

1(a)(28) PRIORITY OF TRANSPORTATION FOR TROOPS AND MATERIALS OF WAR
Item 400 (10 U.S.C. 1362; 49 U.S.C. 6(8)).

"In time of war or threatened war" preference and precedence shall, upon demand of the President, be given over all other traffic for the transportation of troops and materials of war.

The present expansion of production and defense priorities suggests the desirability of this item in the 1950 emergency as well as in periods of war. With the expansion of the Armed Forces and the consequent expansion of war industries, this authority will be of vital importance.

1(a)(29) POWER OF THE PRESIDENT TO ASSUME CONTROL OF TRANSPORTATION
Item 401 SYSTEMS IN TIME OF WAR (10 U.S.C. 1361)

The President, "in time of war", is empowered, through the Secretary of War, to seize and control any transportation system, or any part thereof, and utilize it to the exclusion as far as necessary of all other traffic for the movement of troops, war material and equipment and for such other purposes connected with the emergency as may be needful or desirable.

This authority is being exercised at the present time and is considered essential during the 1950 emergency. A prolonged interruption of service over the transportation systems of this country would seriously jeopardize our national defense program.

1(a)(30) AUTHORITY OF THE INTERSTATE COMMERCE COMMISSION,
Item 402 UPON CERTIFICATION BY THE PRESIDENT, TO ESTABLISH
PREFERENCES AND PRIORITIES IN TRANSPORTATION
(49 U.S.C. 1(15))

"In time of war or threatened war", the President may certify to the Interstate Commerce Commission that it is essential to the national defense and security that "certain traffic" shall have preference or priority in transportation, and the Commission shall, under its powers stated in this section, direct that such preference or priority be afforded.

The "traffic" to which this section refers is unlimited in kind, whereas the authority under Item 400 (10 U.S.C. 1362, 49 U.S.C. 6(8)) is limited to "materials of war" (in addition to troops). Inclusion of this item in this bill is considered necessary because a "threatened war" does not necessarily exist at all times during an emergency.

1(a)(31) APPLICATION TO FREIGHT FORWARDERS OF THE AUTHORITY OF THE
Item 405 INTERSTATE COMMERCE COMMISSION, ON CERTIFICATION BY THE
PRESIDENT, TO ESTABLISH PREFERENCES AND PRIORITIES
(49 U.S.C. 1020)

By this provision the authority referred to in Item 402, with respect to priorities in transportation, is made applicable to freight forwarders. This authority, enacted in 1942, appears desirable now for similar reasons, although its continuation is not of the same degree of importance as with respect to carriers.

1(a)(32) EMERGENCY ACQUISITION OF DOMESTIC OR FOREIGN MERCHANT
Item 426 VESSELS (50 U.S.C. App. 1271-1275)

This act grants the President authority to purchase, charter or requisition the use of foreign merchant vessels lying idle in waters within the jurisdiction of the United States which are necessary for the national defense. The act also provides authority for the charter by the Maritime Commission of domestic and foreign vessels essential for the national defense without regard to the provisions of R.S. 3709 (41 U.S.C. 5) relating to advertisement for proposals for purchases and contracts. The statute is effective "until six months after the termination of the present war shall have been proclaimed or until such earlier time as the Congress by concurrent resolution or the President may designate."

The continuation of the authority contained in this statute is necessary during the 1950 emergency. The requisitioning authority under this act has proved most useful in the past and situations might arise in the future in which this authority would be essential.

1(a)(33) PENALTIES FOR DISCLOSING DEFENSE INFORMATION, COMMITTING
Item 460 SABOTAGE, MANUFACTURING DEFECTIVE WAR MATERIALS AND
SPREADING FALSE REPORTS TO INTERFERE WITH THE ARMED FORCES.

18 U.S.C. 794. Delivering defense information, with intent or reason to believe that it will harm the United States or benefit a foreign nation, is prohibited. "In time of war" the penalty for violation is death (not applicable in peace) or thirty years (twenty years in peace). Further, "in time of war" gathering or publishing certain information with intent that it shall be communicated to the enemy is punishable by death or thirty years; this is not a crime in time of peace (but see 18 U.S.C. 793, which prohibits various acts of gathering or communicating defense information in war time or peace time, under penalty of \$10,000 or 10 years or both).

18 U.S.C. 2153 and 2154 provide for greater penalties in time of war (30 years or \$10,000 or both) than in time of peace (10 years or \$10,000 or both) for injuring or damaging war materials or making defective war materials.

18 U.S.C. 2388 prohibits, "when the United States is at war", the spreading of false reports with intent to interfere with the operations or success of the Armed Forces or to promote the success of the enemy, Fine or imprisonment or both are provided.

The current situation and the expansion of the military establishment make it necessary that the termination of the war should not operate to terminate the effectiveness of these wartime provisions of law. The participation of the United States in the North Atlantic Treaty Organization defense plan also makes these provisions desirable.

1(a)(34) RESTRICTIONS AND PROHIBITIONS UPON THE ENTRY AND DEPARTURE
Item 463 FROM THE UNITED STATES OF ALIENS AND CITIZENS. (Passport
Act, 1918, 22 U.S.C. 223-226b)

Permits imposition of restrictions and prohibitions upon the entry into and departure from the United States of aliens and citizens "when the United States is at war or during the existence of the national emergency proclaimed by the President on May 27, 1941" and the President finds that the interests of the United States require such restrictions and prohibitions. It provides similarly as to aliens "whenever there exists a state of war between, or among, two or more States".

The present international situation demands that the Government retain all authority now exercised to control the entry into and departure from the United States of subversive individuals, whether aliens or citizens, and all other persons whose movements should be restricted in the interest of national security. Existing immigration laws are not of themselves sufficient to attain these objectives in every respect. The powers granted by this statute, which have been exercised since Presidential Proclamation No. 2523 of November 14, 1941, should be continued at least under present conditions.

1(a)(35) ADJUSTMENT OF ROYALTIES FOR USE OF INVENTIONS IN AID OF
Item 479 PROSECUTION OF THE WAR (35 U.S.C. 89, 90).

These sections provide authority for requiring the return to the Government of an amount representing the difference between royalty returns based upon prewar periods of normal production and those which would be appropriate to the expanded production caused by war. They are effective "during the continuance of the present war and for six months after the termination thereof". (35 U.S.C. 95)

In view of the current substantial increases in military procurement and the prospect that the national economy is facing a period of expanded production for military purposes, the continuation of this law is essential if the Government is to be protected against excessive increases in patent royalties originally based upon returns appropriate to periods of normal production. Legislation to make this war time statute permanent law is being sponsored by the Department of Justice with the active support of the Department of Defense (H. R. 2257).

1(a)(36) RECALL TO WARTIME DUTY OF RETIRED PUBLIC HEALTH SERVICE
Item 507a OFFICERS. (Public Health Service Act, 42 U.S.C. 212(c))

This statute authorizes the Public Health Service, "in time of war", to recall to duty an officer retired for age or length of service,

In view of the scarcity of medical doctors and other allied specialists in the health field, the responsibilities of the Public Health Service under the Economic Cooperation and Point IV programs, as well as its general responsibilities under the Public Health Service Act, make it desirable that the Service retain authority under this section to recall to active duty retired officers for whose special skills and experience there is a particular demand.

Section 1(b) deals with statutory provisions stating that certain restrictions shall be applicable only in time of peace. It provides that these provisions shall remain inoperative until the termination of the 1950 emergency or an earlier date fixed by Congress or the President, who may fix different dates for the purpose of different provisions.

1(b)(1) RESTRICTIONS ON APPOINTMENT OF ARMY AND AIR FORCE
Item 87a RESERVE OFFICERS (10 U.S.C. 353)

This provision limits, "in time of peace", appointments as reserve officers in the combat arms and in the Air Force to appointments as second lieutenants except in the case of former Regular officers and officers in the Army during World War I. Also "in time of peace" such appointments are limited to former members of the Regular services, National Guard, and Reserve, and to persons who served in the Army during World War I or are ROTC graduates.

Entry into force of this provision would prevent the appointment of many fully qualified persons, such as temporary officers and enlisted personnel who served during World War II as reserve officers, and would limit appointments to the grade of second lieutenant, except as indicated above. Although the matter of appointment of Reserve officers is currently under consideration by Congress in connection with the proposed Armed Forces Reserve Act of 1951 and it is expected that the provision will be repealed by that Act, continuation of suspension of the peacetime restrictions contained in this provision is considered necessary until such time as the Congress has had an opportunity to take final action on the Reserve Bill.

1(b)(2) USE OF RETIRED PERSONNEL AS ROTC INSTRUCTORS (10 U.S.C. 386)
Item 102a

"In time of peace", Army and Air Force retired personnel may not be used as ROTC instructors without their consent, and no officer on the active list shall be detailed for such duty where officers on the retired list can be secured who are competent for such duty. Revival of the peacetime limitation contained in this provision, requiring that a search be made for competent officers on the retired list before officers on the active list of the Army or Air Force are detailed for duty at a school or college, would prevent the full utilization of regular officers in positions for which they might best be qualified.

1(b)(3) NAVAL AVIATION CADET ACT: EMPLOYMENT OF NAVY AND MARINE CORPS
Item 113a AVIATION RESERVE OFFICERS IN TIME OF PEACE (34 U.S.C. 850i)

"In time of peace" officers of the Naval Reserve and Marine Corps Reserve commissioned pursuant to this act or to the Naval Aviation Reserve Act of 1939 (53 Stat. 819) may be employed on active duty only during the seven-year period next following the date of their commissioning except for employment on active duty in connection with the training of members of the Naval Reserve and Marine Corps Reserve.

Revival of such restrictions would seriously limit to an unacceptable level the manpower potential of aviators in the Naval Service, particularly in the Marine Corps. For example, those reserve officers who have completed their prescribed service as provided in the Universal Military Training and Service Act would be precluded from further active duty

even though they might volunteer to continue on active duty during the 1950 emergency. The present practice of permitting reservists to execute voluntary agreements to serve a prescribed period on extended active duty represents a major source of procurement.

1(b)(4) PURCHASE OF DISCHARGE BY ENLISTED PERSONNEL
1(b)(5) (34 U.S.C. 196; 10 U.S.C. 651)
Item 191a

These provisions enable Army and Navy enlisted personnel to purchase their discharge "in time of peace".

The state of war should not be terminated for the purpose of these obsolete provisions until they have been repealed. The authority contained therein has not been used for many years and is inconsistent with present and proposed legislation designed to provide relief for manpower shortages. The Department of Defense is now preparing legislation to repeal these provisions.

Section 1(c) deals with certain statutory provisions authorizing the President, in time of war or national emergency, to make certain kinds of appointments in the Armed Forces, including the Reserve and National Guard. Under these provisions, the appointees cannot hold their positions beyond six months after the termination of the war or the emergency which constituted the basis of the appointment. Section 1(c) removes this limitation by authorizing the President to continue these appointments in effect until the end of the 1950 emergency.

1(c) CONTINUATION OF APPOINTMENTS OF WARRANT OFFICERS AND
Items 62, OF RESERVE COMPONENT OFFICERS OF THE ARMY AND AIR FORCE
62a, 63, (10 U.S.C. 358, 506d(e), 513, 591a and 32 U.S.C. 19 -
174 National Defense Act, Officer Personnel Act, Warrant
Officer Act)

Appointment made under the authority of these provisions as officers and warrant officers of the Army of the United States and of the Air Force of the United States, including appointments as reserve officers and warrant officers of the Army and Air Force and as officers and warrant officers of the National Guard of the United States and of the Air National Guard of the United States, are limited by these provisions to a maximum duration of the war or emergency during which they were appointed plus six months:

"appointment in every case in the officers reserve corps shall be for a period of five years, but an appointment in force at the outbreak of war shall continue in force until six months after its termination" (10 U.S.C. 358).

"the appointment of a temporary officer in the Army of the United States, if not sooner vacated, shall continue during the emergency or war in which the appointment was made and for six months thereafter" (10 U.S.C. 506d(e)).

"an appointment for temporary rank in time of war other than that of a member of the regular army made in time of war shall continue until six months after its termination . . ." (10 U.S.C. 513).

"such temporary appointments . . . shall remain in effect . . . in no case . . . beyond six months after the termination of the war or period of national emergency" (10 U.S.C. 591a).

"officers in the National Guard of the United States shall be appointed . . . provided that an appointment in force at the outbreak of war shall continue in force until six months after its termination". (32 U.S.C. 19).

Although the termination of the war with Japan would not preclude new appointments for the period of the emergency declared December 16, 1950 plus six months, all persons appointed prior to December 16, 1950 would have to be reappointed if their appointments were to be kept in force. In order to avoid the considerable administrative burden of making individual reappointments this bill authorizes the President to continue in effect all the appointments in effect on the date of enactment which would otherwise expire six months after the termination of the war or the 1939 or 1941 emergencies (except possibly for the appointments made under authority of 10 U.S.C. 591a).

Section 1(d) and (e) deals with statutory provisions fixing the time limit for filing certain types of claims. Under these provisions, if the incident occurs "in time of war" and good cause is shown for not filing earlier, the normal one-year limit does not apply and the claim may be presented as late as one year "after peace is established". The claims here involved are claims against the Armed Forces by members thereof for loss of personal property, or by others for loss due to certain kinds of activities of the Armed Forces. Subsection 1(d) and (e) prolong the period during which such claims may be presented by providing that the date of termination of "war" and the "establishment" of "peace" shall be as fixed for these purposes by the President. In the case of claims for damage due to activities of the Armed Forces, these extensions do not apply to those arising before the Korean conflict.

1(d) EXTENSION OF TIME LIMIT FOR FILING OF CLAIMS BY ARMED
Item 108 FORCES PERSONNEL WHEN THE LOSS OCCURS IN TIME OF WAR
(31 U.S.C. 222c, 222e)

31 U.S.C. 222c authorizes the settlement of claims against the United States, arising after December 7, 1939, by military personnel and civilian employees of the Army and Air Force for loss of or damage to personal property incident to their service.. Such claims must be presented within one year after they arise. However, if the incident giving rise to the claim occurs "in time of war, or if war intervenes within two years after its occurrence, any claim may, on good cause shown, be presented within one year after peace is established". 31 U.S.C. 222e makes this provision applicable to the Navy.

It is believed that the time for filing claims should be extended for those who will be serving in the Armed Forces under present emergency conditions after the end of World War II. for the same reason it is extended for those serving in World War II. Furthermore, it is believed that it should be extended not only with respect to claims arising since the beginning of the 1950 emergency and Korean hostilities but also with respect to those claims which may have arisen prior thereto during World War II. This is because there may exist some claims arising prior to the present emergency and Korean hostilities which have not been filed because the claimants have been prisoners of war or incapacitated by illness or because of the continuing exigencies of their service. Since the extension will only be granted when good cause is shown for the delay in filing after the normal limitation period of one year, abuse of the provision should not occur.

1(e) EXTENSION OF TIME LIMIT FOR FILING OF CLAIMS ARISING
Item 489a INCIDENT TO THE NONCOMBAT ACTIVITIES OF THE ARMED
FORCES IN TIME OF WAR (31 U.S.C. 223b, 223d)

31 U.S.C. 223b authorizes the settlement of claims not in excess of \$1000 for damage to or loss or destruction of property, or for personal injury or death, caused by military personnel or civilian employees of the Army and Air Force while acting within the scope of their employment, or otherwise incident to noncombat activities. Such claims must be presented within one year after they arise. However, if the incident giving rise to the claim occurs "in time of war, or if war intervenes within one year after its occurrence, any claim may on good cause shown be presented within one year after peace is established", 31 U.S.C. 223d makes this provision applicable to the Navy.

It is believed that the period for presenting claims should be extended with respect to claims which arise on or subsequent to the beginning of hostilities in Korea, June 24, 1950. The claims under this provision arise chiefly from maneuvers and training exercises and the loss or damage of registered or insured mail while in the possession of military authorities. It is believed that with respect to such claims arising out of World War II a period up to one year after peace is established is ample. However, with respect to claims which have arisen or will arise after Korean hostilities began, an extension is needed for the same reason it is needed for claims arising during World War II. The public will be denied access to maneuver and training areas and owners of property located therein may not become aware of their loss or damages until after the statutory one-year period has passed. With respect to mail claims neither the sender nor the addressee may be aware of the loss within the one-year period. However, with respect to claims arising during World War II before the outbreak of hostilities in Korea, these reasons do not apply.

Section 2(a) to (d) deals with certain provisions worded in terms which presuppose the existence of a state of war - for example, "ally", "enemy", and "interned in a neutral country". It sets forth these terms and tells how they are to be construed in these statutory provisions when there is no longer a state of war.

These terms, as it happens, occur in statutes which, in whole or part, are dealt with also in other sections of this bill. In this memorandum those statutes are digested, in whole or part, in connection with those other sections. For convenience in finding the digests the following table shows, for each of these statutes, where it appears in this section, where it appears elsewhere in the bill, and its item number. The table gives also, for each, the terms in it which presuppose the existence of a state of war.

<u>In this section</u>	<u>Elsewhere in the bill</u>	<u>Item Number</u>	<u>Terms Used</u>
2(d) (1)	1(a)(1)	42	"the prosecution of war"
(2)	1(a)(2)	45	"allies"
(3)	1(a)(12)	176	"captured by an enemy" - "interned in a neutral country" (50 U.S.C. App. 1002)*
(4)	3(c)(2)	263	"public use of the U.S. or its allies" (this is in 42 USC 1651(t) which is referred to in 42 USC 1701); "belligerent action of an enemy", "taken by an enemy" 42 USC sec. 1701(b); "enemy", "attack by an enemy", "action of the enemy", "U.S. or any of its allies", (42 USC 1711(b));
(5)	3(c)(3)	310a	"capture, detention, or other restraint by an <u>enemy</u> of the United States during the <u>present war</u> " (5 USC 801).
(6)	1(a)(25)	365c	"any nation with which the United States may be allied in the prosecution of any war in which the United States engages while this Act remains in force."
(7)	1(a)(33)	460	18 USC 794: "communicated to the enemy", "useful to the enemy" 18 USC 2151, 2153, 2154: "associate nation" 18 USC 2388: "promote the success of its enemies"
(8)	1(a)(35)	479	"conditions of wartime production"

*Also: "prisoner of war" - "government with which the United States is at war" (50 USC App.)

Section 2(e) provides in substance that certain powers of the Air Force shall be extended by this bill in the same way that it extends powers of the Army. This subsection is included because of the so-called "transfer order" procedure under the National Defense Act. That act provided that, for a certain period after its enactment, powers vested by statute in the Secretary of War or the Secretary of the Army could be made available also to the Secretary of the Air Force by a "transfer order" under the National Defense Act. A number of these provisions, under which transfer orders have been issued, are extended by the present bill. The object of section 2(e) is to state explicitly that the powers under these provisions previously transferred to the Air Force by transfer order are extended by the bill as fully as it extends the power of the Army under these provisions. This is a purely precautionary and clarifying provision, occasioned solely by the fact that certain statutory provisions to be extended by the bill refer only to the Secretary of War or the Secretary of the Army. It is considered that the legal result would be the same even in the absence of this provision.

Section 3

Section 3(a), (b) and (c) deals with certain provisions concerning service flags, lapel buttons, veterans' preferences, benefits resulting from assignment to hazardous duties, and certain kinds of claims. Under all of these provisions, rights and honors are conferred if the events on which they are based - service or death in service, assignment to duty etc. - occur in time of war or during the present war but not if they occur otherwise. Section 3(a), (b) and (c) provides that the same effect shall attach to their occurrence during the 1950 emergency or before earlier dates fixed by the Congress or the President. These few provisions concerning veterans' preference have been included in the bill, in order that Congress may give consideration to the question of their extension, because of the widespread interest in giving to veterans of the Korean conflict the same kinds of benefits as to veterans of World War II.

3(b)(1) SERVICE FLAGS AND LAP L BUTTONS (36 U.S.C. 179-182)
Item 363a

The Secretary of War may approve service flags and lapel buttons to be displayed or worn by the family of persons serving in the Armed Forces "during the current war". He may also license their manufacture. Penalties are provided for unauthorized manufacture and display.

3(b)(2) GOLD STAR LAPEL BUTTONS (36 U.S.C. 182a-182d)
Item 363b

The Secretaries of the Army and Navy shall provide a "gold star lapel button" free to widows and parents of members of the Armed Forces "who lost their lives in the armed services of the United States in World War II" and may sell them at cost to other next of kin. Unauthorized manufacture, wearing etc. is punishable.

3(b)(3) PREFERENCE OF VETERANS AND FAMILIES OF DECEASED
Item 365d SERVICEMEN FOR LOANS IN CONNECTION WITH IMPROVEMENT
OF FARM HOUSES AND BUILDINGS (42 U.S.C. 1477)

As between applicants for loans or other financial assistance in connection with the improvement of farm housing and other farm buildings, preference shall be given to veterans and families of deceased servicemen. "Veteran" is defined as a "person who served in the land or naval forces of the United States during any war between the United States and any other nation and who shall have been discharged or released therefrom on conditions other than dishonorable", and "deceased servicemen" as persons "who served in the land or naval forces of the United States during any war between the United States and any other nation and who died in service before the termination of such war".

3(b)(4) PREFERENCES FOR VETERANS FOR WHOM FEDERALLY-OWNED
Item 365e HOUSING IS AVAILABLE UNDER THE PROVISIONS OF THE
LANHAM ACT (42 U.S.C. 1573)

"Veterans" (for whom Federally-owned housing is available under the provisions of Title V of the Lanham Act) are defined as including persons who served in the military or naval forces of the United States "during the present war" and who have been discharged or released therefrom under conditions other than dishonorable. Preferences in the occupation of housing is provided them and their families under this act.

3(b)(5) VETERANS' PREFERENCE UNDER THE HOMESTEAD AND OTHER
Item 365f LAND LAWS (43 U.S.C. 279-283)

These provisions reduce the requirements for veterans of World War II with respect to homestead entries, gives them preferred rights of application under certain public land laws, and grants various benefits to their dependents, as follows:

Any person who has served in the military or naval forces of the United States for a period of at least ninety days, at any time on or after September 16, 1940, and "prior to the termination of the present war", and is honorably discharged and thereafter makes homestead entry shall have the period of such service, not exceeding two years, construed to be the equivalent of residence and cultivation upon the land for the same length of time. Provided, That no person who has served in the military or naval forces of the United States for a period of at least ninety days at any time on or after September 16, 1940, and "prior to the termination of the present war" and is honorably discharged shall be disqualified from making homestead entry or from any other benefits of this act merely by reason of not having reached the age of twenty-one years (sec. 1, 43 U.S.C. 279). If a person dies from wounds received or disability incurred in line of duty in the military or naval forces during the period aforesaid or dies after having served in those forces for at least ninety days during that period, his surviving spouse or minor children shall have certain benefits with respect to homesteading (sec. 2, 43 U.S.C. 280). If a person entitled to any of the aforesaid benefits makes homestead entry and dies before completing title, leaving one or more minor orphan children, patent shall issue to them without proof as to residence, cultivation or improvements (sec. 3, 43 U.S.C. 281). Persons of the classes entitled to credit for service under the foregoing provisions shall, until September 27, 1954, have a preferred right of application under homestead or desert land laws, and under 43 U.S.C. 682a, concerning the sale of certain lands chiefly valuable as a home, cabin, camp, health, convalescent, recreational or business site (sec. 4, 43 U.S.C. 282).

3(b)(6) VETERANS' PREFERENCE WITH RESPECT TO LANDS WITHIN
Item 365g THE BOULDER CANYON PROJECT (43 U.S.C. 617h)

In connection with lands within the Boulder Canyon Project, this provision grants an exclusive preference right of entry on lands of the United States to "all persons who served in the United States Army, Navy, Marine Corps, or Coast Guard during World War II" or certain enumerated previous wars or insurrections.

3(b)(7) ELIGIBILITY OF VETERANS FOR FARM LOANS AND MORTGAGE
Item 365h INSURANCE (Bankhead-Jones Farm Tenant Act, 7 U.S.C.1001)

Veterans fulfilling certain requirements are eligible for loans and mortgage insurance in connection with the acquisition or improvement of farms and shall have preference over non-veterans. "Veteran" is defined as "a person who served in the land or naval forces of the United States during any war between the United States and any other nation, and who shall have been discharged or released therefrom under conditions other than dishonorable."

3(c)(1) CLAIMS WHICH ARISE OUT OF COMBATANT ACTIVITIES OF THE
Item 489b ARMED FORCES DURING TIME OF WAR ARE EXCLUDED FROM
ADMINISTRATIVE ADJUSTMENT UNDER THE TORT CLAIMS ACT
AND FROM THE DISTRICT COURTS (28 U.S.C. 2680(j))

This provision excludes from administrative adjustment under the Tort Claims Act, and from the jurisdiction of the District Courts under 28 U.S.C. 1346(b), "any claim arising out of combatant activities of the military or naval forces, or the Coast Guard, during time of war". Another provision excludes any claim arising in a foreign country (28 U.S.C. 2680(k)). There is, however, no provision expressly excluding a claim arising from combatant activities in the United States or its possessions when we are not at war. Since combatant activities might take place in these areas under the unsettled conditions that exist in this time of emergency before we were technically in a "time of war" such claims could arise. It would seem that they should be excluded for the same reasons that have led to the exclusion of combatant claims arising in wartime.

3(c)(2) PROVIDING FOR COMPENSATION TO CIVIL EMPLOYEES OF THE UNITED
Item 263 STATES OR ITS CONTRACTORS OUTSIDE THE UNITED STATES FOR IN-
JURIES OR DEATH RESULTING FROM "WAR-RISK HAZARDS".
(42 U.S.C. 1701)

This act provides compensation benefits for certain employees of the United States or of contractors with the United States for injury or death resulting from specified "war-risk hazards" "arising after December 6, 1941, and prior to the end of the present war". The persons protected by this act include persons working on projects for the "public use of the United States or its allies". The hazards covered include "belligerent action of an enemy", "taken by an enemy", "attack by an enemy" and "action of the enemy".

It is important that personnel within the purview of this act be covered in the event of death or disability incurred when they are serving in hostile areas. Failure to continue such coverage would seriously impede the recruitment of qualified personnel for potentially hostile areas.

3(c)(3) WHERE A GOVERNMENT EMPLOYEE SUFFERS DEATH OR DISABILITY
Item 310a AFTER CAPTURE OR DETENTION BY THE ENEMY, SUCH DISABILITY
OR DEATH SHALL BE DEEMED TO HAVE RESULTED FROM PERFORMANCE
OF DUTY (5 U.S.C. 801)

When Government employees suffer death or disability after "capture, detention, or other restraint by an enemy of the United States during the present war" such death or disability shall be deemed to have resulted from performance of duty.

Termination would deprive civilian employees, who may be captured or detained by hostile forces, of compensation for injury, disease or death incurred during detention and may raise a question as to whether World War II internees can continue to receive benefits. The Bureau of Employees' Compensation is now making payments to several hundred beneficiaries, the residue of 1244 cases originally adjudged compensable under the act. There have been no reported cases of civilian employee internments in Korea. However, this legislation should be continued in effect in order to protect any that may be found to have been so handled and to protect persons in future similar situations. In a period when hostilities may take place, it is important that personnel be protected in the event of disability or death due to such hostilities. A lapse in this law would seriously impede the recruitment of qualified personnel.

3(c)(4) RIGHTS AND BENEFITS OF OFFICERS OF THE COAST AND GEODETIC
Item 448b SURVEY WHEN ASSIGNED WITH THE ARMED FORCES ON HAZARDOUS
DUTY ((33 U.S.C. 855a)

Commissioned officers of the Coast and Geodetic Survey who are "during the period of the present war" assigned to any duty with the Armed Forces which is determined by the Department of the Army or the Department of the Navy to be of immediate military hazard, shall have the rights and benefits of officers actually transferred to such forces.

It would appear that in cases where an officer serves on duty deemed to be of immediate military hazard, the service, not the manner in which the officer is assigned to the service, should be the controlling factor in determining the right and benefits earned by such service, regardless of whether the service occurred during World War II or during another period of armed conflict or national emergency.

Section 3(d) extends the time limit for the exercise of the veterans' rights set forth in the last sentence of the explanation of Item 365(f), under section 3(b)(5).

Section 4

This is a usual separability provision.

Section 5

This gives the bill's short title.